

Case Goes Over to October.

Immediately after promulgating its decision the court granted a motion to give sixty days to Senator Burton in which to prepare a petition for a rehearing. The court will not take any more cases over until the next term of the court, beginning in October, as the present term will expire next Monday.

Senator Burton was prosecuted on the charge of violating section 1752 of the Revised Statutes, which prohibits senators and representatives from receiving compensation for services rendered before an expiration of their term. In any matter in which the government was interested. He was specifically charged with accepting a fee of \$500 per month for five months from the Rialto Grain and Securities Company of St. Louis for services rendered that company in an effort to prevent the issuance of an order by the Post Office Department prohibiting the use of the mails by the company.

This was Senator Burton's second appeal to the Supreme Court. In the first case the circuit court found him guilty and imposed the same penalty that was imposed in the present case, but the Supreme Court reversed the decision in the first instance because it was made to appear that the money was paid in Washington and not in St. Louis, where the crime was said to have been committed.

It was contended on behalf of Senator Burton that the fee was paid on account of a criminal proceeding against one of the members of the Rialto company and not because of services rendered in the government. It was also contended that the act under which he was prosecuted was also attacked as unconstitutional on the ground that the Senate was the sole judge of the qualifications of its members. But the doctrine was not upheld by Justice Harlan's opinion. The statute was upheld in all respects and held to be fully applicable to Senator's case.

Does Not Vacate Senator's Seat.

That the Senate will be compelled to take cognizance of the case is indicated by the following extract from the decision:

"The final judgment of the conviction did not operate *ipso facto* to vacate the seat of the convicted senator, nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment. It was held that he was originally inducted as a senator, and could not thereby become vacant by his death, or by expiration of his term of office, or by some direct action on the part of the Senate in exercise of its constitutional authority."

Justice Harlan also held that the sentence could not cover an election of United States senators, and that he did not hold their places under the government of the United States.

On the point that the crime was not committed in St. Louis, Justice Harlan said:

"In view of these cases it cannot be denied that the personal absence of the defendant Burton from St. Louis at the time his offer was accepted, and the agreement between him and the company to which he was to be paid, were binding, deprived the federal court there of jurisdiction. He sent his offer to St. Louis with the understanding that it should be there accepted and consummated. The act was completed at that city in conformity with the intention of both parties, an offense was committed there, and the crime was committed there, and when the court below assumed jurisdiction of this case it did not offend against the rule that the crime shall be tried against the United States Senate."

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procedure in Great Britain and Germany, showing that there was no occasion for the house to take any vote, and pointed out that the old days in England the transmission of an address to the throne was the occasion for great ceremony. The speaker, escorted by the entire parliament, delivered the address to the doors of the palace. But this practice had long since been discontinued, and an address is now transmitted through the officers of the court, and is then read by the speaker and transmitted through the officers of the court.

The resolution of Novogorodseff, urging the necessity for overlooking minor infractions and getting to work on the agrarian question was unanimously adopted, after which the house proceeded with the agrarian debate.

The project adopted by the convention of the constitution stipulating that the land belonged to those who till it, was formally presented, but was temporarily laid aside to permit the organization of committees to examine credentials and investigate the election of members. Eleven committees, including the agrarian committee, were appointed and distributed by lot, were appointed for this purpose.

No ministers had been present in the house to the hour of recess at 3 o'clock in the afternoon.

Count Solsky, president of the upper house of parliament, with the reply to President Mourmisteff of the lower house, that the address of the upper house should be presented through the officers of the court, through Fredericks, the minister of the Imperial house.

THE BARNES NOMINATION

To Be Held Up Until Senator Tillman Returns.

The Senator Tillman has been called to his home in South Carolina by important business. It is understood that the nomination of Mr. Benjamin F. Barnes to be postmaster of this city will be allowed to go over until his return. Mr. Tillman has not yet addressed the Senate on the subject of this nomination to the full extent that he desires, and after his return he will speak to the Senate on the subject of the Barnes nomination, giving in greater detail than he has yet done the reasons why the nomination of Mr. Barnes should not be confirmed.

But the chief point of interest in relation to the Barnes nomination at this time relates to the contention on the part of many senators that the Senate has not before it reliable information on which to act. It has been shown that the statements in relation to the election of Mrs. Morris from the White House, gathered for the information of the Senate, were filled with error as to render them absolutely worthless. Many senators want some reliable information on which to act. The election of the Barnes incident before they are called to vote upon the nomination. When the matter comes up in the Senate again the question of denial of the Barnes nomination is adopted so that they can vote intelligently upon the case of Mr. Barnes.

Admiral Perry to Retire.

It was announced by the Navy Department that Rear Admiral William F. Perry will retire from the retired list in the navy on the 28th instant, in accordance with the provisions of section 1444 of the Revised Statutes. Admiral Perry is a native of New York and entered the navy in September, 1861. He was promoted to rear admiral in September, 1905, and since September, 1905, has been stationed in this city as president of the naval examining and retirement

will express their doubt, although they have never been informed as to votes against the policy of the administration.

The battleship proposed by the program and provided for by the bill as it passed the House would displace more than 20,000 tons. Its speed would be greater than the Dreadnaught. The tonnage must be as great as the biggest battleship now planned. This is estimated at about 20,000 tons. Its armor will be thicker than the Dreadnaught's. Its guns will be bigger than its draft will be about twenty-eight feet. It is in the armament that it will surpass the Dreadnaught. According to the latter figures, the new ship for the British navy will have ten twelve-inch guns. Chairman Foes of the House committee on naval affairs said the battleships for the United States would have twelve-inch guns. The South Carolina and Michigan, plans for which have recently been approved, are the biggest ships now authorized for the United States navy and they will have eight twelve-inch guns.

The naval appropriation bill will not be considered until September 1st, or the last of the week. Hearings will not be had, the House hearings being relied upon, so that it should be reported to the Senate by the first of October. It was expected that it did when it was reported from the House committee, the item of decrease being \$100,000 for the floating dry dock for Chesapeake bay.

INSURANCE COMPANIES PAID

Senators at Albany Declared to Have Been Profitable.

Some additional inside light was thrown on insurance methods in New York today by Representative JAMES A. Goulden of that state before the House committee on the judiciary, considering the Ames bill for the murder of insurance men. Mr. District of Columbia. Mr. Goulden is general agent of the Penn Mutual Life Insurance Company in New York.

"Why," he said, "it was a well-considered fact that to be a senator at Albany was worth anywhere from \$50,000 to \$100,000 a year, and that the money came largely from insurance companies. This is no secret. Every New York man knows it. I know it. I know it well."

Touching on the subject of campaign contributions, Mr. Goulden said that his company had been coerced into giving \$10,000 to a national campaign. He did not say which campaign committee received the money, but remarked that same thing was tried in 1900 and 1904.

Goulden took the subject of standstill taken by Mr. Plimpton of Massachusetts, one of the directors, who declared that every director could be held personally liable for the amount.

The hearings on the Ames bill closed with the testimony of Mr. Goulden.

LIED ON FOR MINERS.

Drastric Measures Adopted for Keeping Men Orderly.

STEUBENVILLE, Ohio, May 21.—The lid has been put on Plum Run and Crow Hollow by the miners' union officials, who desire to keep the miners sober and orderly. No drink is allowed at the camps. No complaint will be made to start the mines for several days. The miners who have come in and who conclude to stay will be put to work cleaning out the mine today.

Some, it is said, will not remain, being told that if they do not leave voluntarily, they will be driven off. Some miners were so told that it was a new mine and miners could not be secured. The operators have decided not to evict the strikers.

A strike meeting of the miners was held at Smithfield today, where a trainload of strikebreakers were expected to al-

to have been due in any way to his connection with the United States government. A report on the subject is looked for later in the day.

Batum is situated upon the east coast of the Black sea and has a population of 30,000, chiefly Turks and Armenians. The European population, including Russians is about 5,000. It is in the heart of the Russian oil district and the shipping of petroleum is the chief industry.

Later in the day the State Department received confirmation of the murder of W. H. Stuart, the vice consul at Batum, Russia, by a dispatch from Ambassador Meyer, at St. Petersburg. The dispatch merely states that the British consul at Batum advised the United States embassy at St. Petersburg of the death of Mr. Stuart, and says his assailants escaped. No details of the crime were given.

Ambassador Meyer having taken cognizance of the case the State Department officials decided that it requires action at their hands at this moment. It is no doubt that the Russian government will make every effort to capture the assassins and mete out full punishment to them, and it is consequently felt to be well to allow them to proceed in that direction without further discussion. As Stuart was a British subject it is taken for granted that Great Britain will also take an interest in the case.

FROST LAST NIGHT.

Vegetation and Fruit Damaged in York State.

UTICA, N. Y., May 21.—Frost visits many sections in the central part of the state last night, damaging vegetation and fruit blossoms.

LOCAL OPERATORS CONFEE.

With Committee of Miners' Unions in Southwest.

KANSAS CITY, May 21.—Representative of the Coal Operators' Association of the Southwest and a committee of the miners' unions from Mo., Ariz., Kansas, Arkansas and Indian Territory were here to consider the wage scale. Before the conference met W. C. Perry, president of the operators' association, said to the meeting, which was requested by the miners, was for the purpose of trying to reach an agreement on the demand of the miners for an increase of 3 cents a ton over the scale of 1933, it would be useless.

Midshipman's Resignation Accepted.

Special Dispatch to The Star.

ANNAPOLIS, Md., May 21.—The resignation of Midshipman W. G. Coe of Baker City, Ore., a member of the third class has been accepted.

Sunday Circulation.

The total circulation of THE SUNDAY STAR yesterday was 33,066. The net figures are printed every Saturday.

The Sunday Star has by far the largest, the best and the only sworn circulation in Washington.

Cannon. Soon Mr. Cannon announced there are 25 gentlemen present, "quorum," which was followed by loud applause.

Mr. Williams—"I want to congratulate Speaker on making an error in diminutive this morning."

The bill was then briefly expatiated by Haysburn (Iowa) and passed without a dissent.

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MINISTER GRAVES SELECTED

Will Represent This Country at Coronation Ceremonies in Norway

It was announced at the State Department today that Mr. Charles H. Graves, United States minister to Sweden, had been appointed by the President a special ambassador to represent the United States at the coronation of the king of Norway.

In the absence of specific legislation the United States will be there without diplomatic representation at the court of Christian Haakon. It is generally understood, however, that Third Assistant Secretary Phillips of the State Department is slated for the post of minister to Norway when the decision is made for that office.

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WATER FOR CHICAGO CANAL

Controversy Over the Amount That Should Be Allowed.

The bill for the preservation of Niagara Falls was again the subject of consideration by the House committee on rivers and harbors today, but without a conclusion having been reached. The phase of the bill being the delay is that pertaining to the use of water from Lake Michigan for the creation of the Chicago drainage canal.

Use for this purpose now amounts to something more than 4,000 feet a second. Management of the canal wants the right to take 14,000 feet a second and the international waterways commission recommends that the limit be 10,000 feet.

The committee will meet again tomorrow to further consider the bill.

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AMATEUR GOLF TOURNEY.

Annual Competitive Contest on Royal Liverpool Links.

HOYLAKE, Eng., May 21.—The two first annual competition for the amateur golf championship began here today at the links of the Royal Liverpool Club. Fine weather prevailed.

The present holder of the championship, C. B. Barry, of America, there was the first for the honor of depriving him of the title. Including C. B. Macdonald of New York and P. L. MacLeay of Oregon. The former was given a walk-over in the first round by the Englishman, Martin of the Dublin Golf Club, scratching.

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Germany Sends Thanks for Report

Major Koerner, military attache of the German embassy here, called upon Secretary Taft at the War Department today and presented a letter to the Secretary from Count von Moltke, chief of staff of the German army, returning thanks for numerous engineering reports on technical subjects desired by Germany.

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The Smoot Case Postponed.

Consideration of the Senator Smoot case was postponed today by the committee on privileges and elections on account of the absence of Chairman Burrows, who

get a jury made up of some of these folks who have been convinced of the dreadful conditions at the asylum."

"The man with the muck rake," suggested Dr. Fitch, with a smile.

Admitted Occasional Cases.

In reply to questions by Representative Hay, Dr. Fitch admitted that there might be occasional cases of cruelty to patients of which the authorities knew nothing. He did not think that the authorities should be held responsible for these.

Dr. Fitch impeached the testimony of Witness Spencer Herbert, who testified that he had seen a colored man "wring out" on a table the sweat of his brow, and that there were no colored patients in the building mentioned by Herbert on the date indicated.

Witness said he had heard the humors of "wringing out," "towelng" and the other forms of abuses being practiced at the asylum, but he said that the authorities could never find out any specific instances.

The Food Problem.

The food at the asylum was pretty good. Sometimes it didn't look particularly inviting, but he thought this was accounted for by the great amount of food cooked and served at each meal. He had never seen spoiled meat on the table. Dr. Fitch said the average of eggs "sometimes," he said. He didn't know whether or not there was a regular "egg day." None of the 150 patients had any eggs. The cost of the 300 gallons of milk used daily at the institution.

Dr. Fitch said he was now acting as night medical officer and from 8 p.m. to 7 a.m. he did duty at the prison in the grounds—about 2,500. The calls averaged from twenty to twenty-five a night. Dr. Fitch explained that the committee of the board by which he was managed to keep in touch with the various wards in the numerous buildings of the institution. Two men, one of whom was Dr. Fitch, and the department would help some. As a rule, however, there was sufficient help. There had been some trouble in getting the right kind of food for the patients. Dr. White had established the rule that attendants in this troublesome department must be of a certain height and of a certain weight. No little men were admitted there.

"But Terry McGovern was a little fellow," interjected Representative Smyser. "He was a little fellow, but we don't allow this method of treatment over here."

Eight-Hour System Impracticable.

Dr. Fitch thought the eight-hour system was impracticable so far as its application to the asylum was concerned. He advanced the arguments against the eight-hour system which have been previously presented to the committee.

Dr. Fitch hardly knew how the food problem might be solved more satisfactorily. The serving of the food might be prevented by the use of special cars or by having separate kitchens for the patients. The use of the method, however, would involve an immense amount of expense.

Dr. Fitch admitted that there had been some persons admitted to Howard Hall who were not insane. He could recall at least three cases in which the patients were not insane. The military prisons from which they came.

Prior to Dr. White's regime all patients' charges were paid by the state. The patients were not kept in one part of the institution. But in April, 1906, Dr. White had issued an order to accomplish this end, and all criminal patients were now segregated.

Dr. Hagner's Case.

A Representative Hay asked about Dr. Hagner's case. Dr. Fitch couldn't throw much light on the matter.